

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARCOS LIMA-CANALIZO,

Plaintiff,

- against -

OVERFLOWING FLAVORS INC, d/b/a
JAMAICAN FLAVORS CATERING and
CAMILLE CURTIS

Defendants.

Case No.: 12-cv-3946

(JO)

WHEREAS, on August 8, 2012, Plaintiff Marcos Lima-Canalizo (hereinafter "Plaintiff") filed a complaint in which Plaintiff asserted claims for, *inter alia*, unpaid wages and overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* ("FLSA"), and the New York Labor Law;

WHEREAS, although commenced as a putative collective action under the FLSA, Plaintiff did not seek any certification and no individuals received notice of this action;

WHEREAS, the parties settled this action based on the recommendations of the Honorable James Orenstein, U.S.M.J., during a settlement conference held in open court and on the record on January 30, 2013, the terms of which were and are considered fair and reasonable, and which are incorporated herein by reference; and

WHEREAS, the United States District Court for the Eastern District of New York, shall retain jurisdiction over all proceedings solely to enforce the terms of the settlement between the parties in this action;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the Plaintiff and Defendants, that this action is hereby dismissed and discontinued in its entirety with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, with no award of counsel fees or costs by the Court to either side.

Dated: New York, New York

February 21, 2013



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SO ORDERED:

Hon. James Orenstein, U.S.M.J.